

Remarks

The claims contain no amendment. They have been reproduced for the convenience of the Examiner.

A Prime Facie Case of Obviousness Has Not Been Presented

Claims 1-3, 8, 9, 18-22, 27, 28, and 34 are presently rejected under 35 U.S.C. §103(a) as being obvious in light of a combination of four references. Applicant respectfully traverses this rejection on the basis that a *prima facie* case of obviousness has not been presented.

Applicant respectfully points out that a *prima facie* case of obviousness requires that each and every claim limitation be taught or suggested by the prior art. See MPEP §2143.03.

Applicant goes on to point out that the Examiner is required to state the "relevant teachings of the prior art relied upon" in formulating the rejection. See MPEP §706.02(j). Applicant notes that the Office Action makes no mention of any passage from the cited prior art teaching "a drive system commonly controlling the robotic arms," as required by independent claim 1.

Presumably, then, the Examiner does not rely upon any teaching from the cited references to teach or suggest this limitation. Given this state of affairs, the Applicant is uncertain as to the rationale underlying this rejection. For at least this reason, the present rejection should be withdrawn or restated, so that the Applicant has a fair opportunity to respond.

Whatever rationale might underlay the present obviousness rejection, the rationale appears to be faulty for the reason stated below. Modifying Stephens to include a common drive system for the various vehicles¹ shown therein contradicts the notion that each of the vehicles disclosed in Stephens is an individual "robot" controlled by its own individual drive system. Stephens teaches that each robot has "its own motive power and steering capability." col. 1, line 7. Such robots are the very building blocks of the system taught by Stephens. Modifying Stephens to include robots lacking either their own motive force or steering capability results in the creation of a system utterly different from the one described by Stephens. Whatever motivation might exist for making such a modification is insufficient to support a finding of obviousness. The system taught by Stephens operates based upon the premise that each robot includes its own drive system. To modify the system of Stephens to operate under the control of

¹ The Examiner describes the vehicles as "robots" for the purpose of formulating the present rejection. Applicant reserves the right to challenge this portrayal in the future.

a common drive system is to wholly re-design the system of Stephens so as to operate upon a different principle. As a matter of law, there can be no motivation sufficiently strong to render such a modification obvious. Please refer to MPEP §2143.01, which states that a "proposed modification cannot change the principle of operation of a reference."

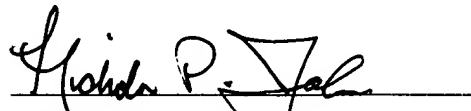
As an additional point, Applicant points out that even if the cited prior art did teach each and every claimed limitation, the present rejection would still be improper. For a rejection under 35 U.S.C. §103 to be proper, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Stephens or combine it with the other cited prior art. See MPEP §2143. The record fails to identify even a single motivation to combine Stephens with any of the other cited prior art. To maintain such a rejection is blatantly unfair, because Applicant is unable to sensibly rebut a motivation that the Examiner refuses to articulate. To reiterate, Applicant is not disagreeing with the Examiner's professed motivation to combine or modify Stephens. Rather, Applicant is stating that no such motivation has been stated, meaning that Applicant is deprived of any sensible manner of proceeding. Applicant respectfully requests the Examiner to consider this matter, and to withdraw the rejection of Applicant's claims or to restate the rejection in such a way that Applicant can respond.

Conclusion

Claims 1, 2, 3, 8, 9, 18-22, 27, 28, 34, and 51 remain pending in the application. These claims are believed to be allowable for the reasons set forth above. This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any remaining questions or concerns, the

Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve such concerns.

Respectfully submitted,
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.371.5207


Nicholas P. Johns
Reg. No. 48,995